IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928

Bail Appl..No. 6154 of 2006()

C.R.NO.85/2006 OF KAYAMKULAM EXCISE RANGE
CMP.1860/2006 of J.M.F.C.-II, HARIPAD

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PETITIONER/3RD ACCUSED:

AJIKUMAR @ THIMMAN AJI,
S/O. PRABHAKARAN, CHAPRAYIL HOUSE,
KEERIKKAD VILLAGE, KARTHIKAPPALLY TALUK.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS: COMPLAINANT & STATE:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR,
KAYAMKULAM EXCISE RANGE, KAYAMKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6154 of 2006

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Dated this the 25th day of October, 2006

O R D E R

The petitioner is the third accused in C.R.No.85/2006 of Kayamkulam Excise Range, for the offence punishable under Section 55(a) of the Abkari Act. 10265 litres of spirit kept in a building bearing No.PP XV/567, were seized. The petitioner could not be arrested at the time of the seizure of the contraband, as he ran away and escaped. Accused Nos.1 and 2, were already arrested and their interrogation is also complete. The involvement of the petitioner is disclosed by the other accused. The investigation is complete and the final report has already been filed.

2. The learned Public Prosecutor submits that the petitioner is the kingpin of the distribution of spirit, in and around the area, to various toddy shops and to others, because of which, the illegal activities are going on in the locality. It is further submitted by the prosecution that the petitioner is a strong man of the area and there is also a sessions case pending

against him for attacking an Excise Range Circle Inspector, while he was attempting to arrest the petitioner in connection with a crime.

3. The learned counsel for the petitioner on the other hand submits that, till today, except this case, no other case has been registered against the petitioner under the Abkari Act. In the criminal offence, the petitioner has been granted bail. The petitioner is in judicial custody from 09/08/2006. The counsel, therefore, submits that he may be granted bail imposing such conditions which the Court may deem fit.

4. The learned Public Prosecutor, on hearing the submissions of the learned counsel for the petitioner explained that the petitioner is having a lot of influence in the area, including the officials of excise and police departments and also others, who are in the realm of affairs. That was one of the reasons, so far, he could not be brought to book, for the offence which he had been committing for long. The prosecution also went on to submit that if the petitioner is released on bail, he would not only influence and win over the witnesses, but also cause difficulties in the conduct and disposal of the sessions

case. Therefore, the prosecutor vehemently opposes the granting of the bail and undertakes that the prosecution would ensure that the sessions case would be disposed of at the earliest, within the period, that may be fixed by this Court.

5. Without entering into any discussion on the merit of the matter and considering the materials that have been placed before me by either side, I am not inclined to grant bail to the petitioner. Nevertheless, I direct the prosecution to place all the witnesses, at the disposal of the court, so that the sessions court could dispose of the matter at the earliest.

6. I direct the learned Magistrate, where the case is pending, to commit the case within 15 days from today, to the sessions court and, the learned Sessions Judge, on receipt of the records of the committal, shall dispose of the sessions case, within two months therein.

Urgently communicate this order, directly to the concerned Magistrate and Sessions Court.

(J.M.JAMES)
Judge

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